

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CURTIS BROWN,

Plaintiff,

ORDER

02-CV-6666L

v.

NEW YORK STATE DEPARTMENT
OF CORRECTIONAL SERVICES, et al.,

Defendants.

Defendants filed a motion for summary judgment on January 11, 2007. The Court issued a scheduling order requiring plaintiff to respond to the motion by February 12, 2007.

By letter dated January 25, 2007, sent to the Court via facsimile, plaintiff requests that the Court stay defendants' motion for summary judgment and allow the parties an additional sixty (60) days to complete discovery. By letter dated January 26, 2007, defendants opposed the motion. Plaintiff's motions are both denied.


The record demonstrates that there have been numerous scheduling orders entered in this case which was filed five (5) years ago in 2002. The last scheduling order entered in May of 2006, Magistrate Judge Jonathan W. Feldman directed that no further extensions concerning discovery would be granted.

It is clear to me that the parties have had more than ample time to conduct whatever discovery is necessary.

CONCLUSION

Plaintiff's request to stay defendants' motion for summary judgment and grant an extension to complete discovery is denied. I will, however, extend the time for plaintiff to respond to defendants' summary judgment motion until February 23, 2007.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 29, 2007.